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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,064	06/06/2002	Shoichi Sawa	086142-0521	3161

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EXAMINER

SMITH, KIMBERLY S

ART UNIT

PAPER NUMBER

3644

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/064,064	SAWA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kimberly S Smith	3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 12 November 2003.
- 2a) This action is FINAL.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 6-9 is/are allowed.
- 6) Claim(s) 1-5 and 10-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 November 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 11/12/2003 have been fully considered but they are not persuasive. Regarding the Applicant's statement that Brown fails to disclose the projection configured to move axially within the receiving member prior to mating with the groove. It is noted that due to the engaging nature of a threading mechanism, it is inherent that there at least be a partial amount of axial movement between the receiving member and the bottle in order to bring the threads of the two components together. Without an axial movement prior to the grooves engaging, the threads would not come into contact and would therefore not function. As such, the Brown reference disclosing the bottle that is simply screwed into the internally threaded cylindrical stem is inherently disclosing that there is a measure of axial movement within the receiving member prior to the mating of the groove. The rejection stands.
2. Regarding the rejection under 35 U.S.C. § 103(a), it is noted that the Loveless reference (US Patent 6,544,062) was merely relied upon to show what was known to one having ordinary skill in the art at the time the invention was made (as the statement regarding the equivalency of these two structures was stated in the background of the invention). However, as an English translation of the priority application has been submitted, a secondary reference will be used to show the equivalence of these structures that will pre-date the current claim of foreign priority.
3. With regards to claim 20, it has been held that the recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. In this regard, claim 20 is stated to be configured to "communicate with an airbag". In reference to Brown, the

airbag is the mattress (12) and the intended use “for a vehicle” does not differentiate the claimed invention from the cited reference as the Brown reference may be used in a vehicle such as a van or ambulance.

***Drawings***

4. The corrected drawing of Figure 4 was received on 11/12/2003. These drawings are approved.

***Specification***

5. Claim 7 is objected to because of the following informalities: replace the semi-colon at the end of line 2 with a period. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-3 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Regarding claim 1, it is stated that “*one* of the receiving member and the bottle includes a projection” in line 5. However, in lines 10 and 11, the claim is further limited to the projection being configured to move axially within the receiving member. It is questioned if the projection were to extend around the receiving member, how would the projection be configured to move *within* the receiving member, as it would be extending partially around the receiving member?

9. Claim 2 recites the limitation "the other" in line 1. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 16 recites the limitation "the first mentioned groove" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1, 3, 10, 12-14 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown, US Patent 5,568,663.

Brown discloses an inflator comprising a bottle (34) having an axial direction, a sealing plate (column 4, line 40) to seal the bottle at an orifice, a receiving member (24) having an axial direction including a perforation structure (30), wherein the receiving member includes grooves into which projections from the bottle mate in an axial direction, wherein the projection is configured to move axially within the receiving member prior to mating with the groove (as it is inherent with a threaded mechanism that an axial movement is required prior to rotation (i.e. mating) of the groove portion in order to engage the threading mechanisms); wherein the bottle extends into the receiving member; wherein the projection is located on an outside of the bottle and extends in a direction generally perpendicular to the axial direction of the bottle; wherein an

end of the bottle having the projection fits into an open end of the receiving member; wherein the receiving member is configured to communicate with an airbag (12).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

15. Claims 2, 4, 5, 11, 15-19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, US Patent 5,568,663 in view of Kooiman, US Patent 6,439,924.

Brown discloses the claimed invention with the exception that the method of connecting is through male and female threads instead of a bayonet type connector (known to have a guide groove, a key groove and a key which rests in the key groove to prevent releasing of the connection). Kooiman shows that bayonet connectors and threaded mechanisms are equivalent structures known in the connecting art (column 3, lines 16-18). Therefore, because these two

connectors were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute a bayonet connector for the threaded connector to increase the speed in which the inflator may be attached.

***Allowable Subject Matter***

16. Claims 6-9 are allowed.

***Conclusion***

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly S Smith whose telephone number is 703-308-8515. The examiner can normally be reached on Monday thru Friday 10:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles T Jordan can be reached on 703-306-4159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

kss

*Charles T. Jordan*  
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